

By: Israel

H.B. No. 4125

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of tenant legal services offices by  
3 counties to represent indigent residential tenants in eviction  
4 cases.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 5, Local Government Code, is  
7 amended by adding Chapter 162 to read as follows:

8 CHAPTER 162. TENANT LEGAL SERVICES OFFICE

9 Sec. 162.001. DEFINITIONS. In this chapter:

10 (1) "Indigent" means an individual who earns not more  
11 than 125 percent of the income standard established by applicable  
12 federal poverty guidelines.

13 (2) "Office" means a tenant legal services office  
14 established under Section 162.002.

15 Sec. 162.002. TENANT LEGAL SERVICES OFFICE. (a) The  
16 commissioners court of a county shall create a tenant legal  
17 services office to provide legal representation and services to  
18 indigent residential tenants in eviction cases.

19 (b) The commissioners court may establish a department of  
20 the county or by contract may designate a nonprofit corporation to  
21 serve as the tenant legal services office for the county.

22 (c) The commissioners court by order shall establish the  
23 rules and procedures necessary to implement this chapter.

24 Sec. 162.003. PROPOSALS BY NONPROFIT CORPORATIONS. (a)

1 Before contracting with a nonprofit corporation to serve as a  
2 tenant legal services office, the commissioners court shall solicit  
3 proposals for the office.

4 (b) The commissioners court shall require a written plan  
5 from a nonprofit corporation proposing to serve as a tenant legal  
6 services office.

7 (c) The written plan must include:

8 (1) a budget for the office, including salaries;

9 (2) a description of each personnel position,  
10 including the director of legal services position;

11 (3) the maximum allowable caseload for each attorney  
12 employed by the office;

13 (4) provisions for personnel training;

14 (5) a description of anticipated overhead costs for  
15 the office; and

16 (6) a policy to ensure that the director of legal  
17 services and other attorneys employed by the office do not provide  
18 representation to a tenant if doing so would create a conflict of  
19 interest that has not been waived by the client.

20 (d) After considering each proposal for the office  
21 submitted by a nonprofit corporation, the commissioners court shall  
22 select a proposal that reasonably demonstrates that the office will  
23 provide adequate quality representation for indigent tenants in the  
24 county.

25 (e) The total cost of the proposal may not be the sole  
26 consideration in selecting a proposal.

27 Sec. 162.004. DIRECTOR OF LEGAL SERVICES. A tenant legal

1 services office must be directed by a director of legal services  
2 who:

- 3 (1) is a member of the State Bar of Texas;  
4 (2) has practiced law for at least three years; and  
5 (3) has substantial experience in the practice of  
6 landlord-tenant law.

7 Sec. 162.005. FUNDING. A tenant legal services office is  
8 entitled to receive funds for personnel costs and expenses incurred  
9 in operating the office in amounts determined by the commissioners  
10 court and paid out of the appropriate county fund.

11 Sec. 162.006. EMPLOYEES. A tenant legal services office  
12 may employ attorneys and other personnel necessary to perform the  
13 duties of the office as specified by the commissioners court.

14 Sec. 162.007. DENIAL OF REPRESENTATION. A tenant legal  
15 services office may not represent a tenant if:

16 (1) a conflict of interest exists that has not been  
17 waived by the client;

18 (2) the office has insufficient resources to provide  
19 adequate representation for the tenant;

20 (3) the office is incapable of providing  
21 representation for the tenant in accordance with the rules of  
22 professional conduct; or

23 (4) the office shows other good cause for not  
24 accepting the request for representation by a tenant.

25 Sec. 162.008. INVESTIGATION OF FINANCIAL CONDITION. A  
26 tenant legal services office may investigate the financial  
27 condition of a tenant who requests representation by the office.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2019.